

United States District Court

JUN 17 2019

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose Eduardo Castillo

PRINCIPAL

United States Citizen

Case Number:

YOB: 1977

M-19-1408 -M

Rafael Martinez-Alvarez

CO-PRINCIPAL

Mexico

YOB: 1982

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 15, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Eric Humberto Chavez a citizen of El Salvador and Julio Cesar Martinez-Ortiz, a citizen of Mexico, along with two (2) other undocumented aliens, for a total of four (4), who have entered the United States in violation of law, did knowingly transport, or move or attempted to transport or move said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to another location near Sullivan City, Texas, by means of a motor vehicle.

in violation of Title 8 United States Code, Section(s) 8 USC 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) Supervisory Border Patrol Agent and that this complaint is based on the following facts:

On June 15, 2019, at approximately 7:55 p.m., Border Patrol Agents were conducting line watch operations in Los Ebanos, Texas. Based upon their training and experience, this area is known to Border Patrol Agents as being notorious for alien and narcotics smuggling activity.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, attested to telephonically per Fed.R.Crim.P. 4.1, and probable cause found on:

/s/ Ian D. Land

Signature of Complainant

Ian D. Land

SBPA

Printed Name of Complainant

June 17, 2019

6:42 p.m.

Date

at McAllen, Texas

City and State

Peter E. Ormsby

U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-1408 -M

**RE: Jose Eduardo Castillo
Rafael Martinez-Alvarez**

CONTINUATION:

Agents observed a black GMC Yukon bearing a paper license plate drive south on El Faro Road, into the Los Ebanos community. Paper tags are indicative of a vehicle that has been recently purchased, which is a common feature of vehicles used for alien and narcotics smuggling. El Faro Road is a direct means of ingress and egress from the immediate area of the Rio Grande River, and is a route frequently used by smugglers. Additionally, Agents did not recognize this vehicle as belonging to any resident of the small community, and several human smuggling events had taken place between the hours of 7:30 and 10:00 p.m. in the preceding days. Due to these observations, Agents believed that the GMC Yukon was likely in the area to be utilized for illicit activity.

Agents proceeded to turn north and follow the vehicle and noticed that the driver slowed down from approximately 45 miles per hour to 31 miles per hour. He also noted that the vehicle's rear suspension seemed slower to respond to bumps than the front suspension. Agents believed that there may have been a significant weight in the rear of the vehicle that was unseen through the dark tinted windows.

Suspecting that illicit activity may be in progress because of the driving mannerisms, the Agent conducted a vehicle registration check and the registration returned to an address from Brownsville, Texas. This supported the Agent's suspicions that the vehicle was not, in fact, a vehicle registered to a resident of the area, at which time a roving patrol stop of the black Yukon was conducted, and the driver pulled into the Stripes gas station parking lot at the corner of El Faro Road and U.S. Highway 83.

The driver, later identified as Jose Eduardo Castillo, did not answer in complete statements or sentences to agent's questions. The Agent then asked Castillo and the front seat passenger, later identified as Rafael Martinez Alvarez, for their identification. Castillo provided Agents a Texas Identification Card, and Alvarez told Agents that he was a Mexican national with Deferred Action for Childhood Arrivals (DACA) status. Agents then asked Castillo if there were any more passengers inside the vehicle, at which time Castillo rolled down the rear driver's side window. Agents immediately saw four Hispanic males with dried mud on their pants, who all subsequently admitted upon questioning to being illegally present in the United States.

At that time, Castillo stated, "I don't know them. A buddy told me to come down here and give them a ride. I just picked them up." Castillo again stated, "I came here to drive around, but a buddy wanted me to pick some people up."

Agents then placed Castillo, Alvarez, and the four illegal aliens under arrest and advised them of their Miranda rights. All subjects were then transported to the McAllen Border Patrol Station for additional investigation and processing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-1408-M

**RE: Jose Eduardo Castillo
Rafael Martinez-Alvarez**

CONTINUATION:

PRINCIPAL STATEMENT:

Jose Eduardo Castillo was advised of his Miranda rights, acknowledged his understanding, and was willing to provide a sworn statement without the presence of an attorney.

Castillo reiterated his initial statement to agents regarding having recently picked up "people" from Los Ebanos, Texas for a friend, stating that he was only "doing a favor". Castillo reiterated that he was "only bringing them to Shary to a car". Agents understood this to mean that Castillo was going to deliver the illegal aliens to a waiting vehicle on Shary Road in Mission, Texas. He later admitted to agents that he coordinated the event through a contact named "Milton".

CO-PRINCIPAL STATEMENT:

Rafael Martinez-Alvarez was read his Miranda Rights. Subject acknowledged understanding his Miranda rights and requested a lawyer. No further questioning was conducted and interview was terminated.

MATERIAL WITNESS'S STATEMENTS

Eric Humberto Chavez and Julio Cesar Martinez-Ortiz were read their Miranda Rights. Both acknowledged their understanding and agreed to provide sworn statements without the presence of an attorney.

Chavez, a citizen of El Salvador, stated that he paid a smuggler in Mexico approximately \$3,000 U.S. dollars to be smuggled to Dallas, Texas. Chavez stated that after making landfall in the U.S., he was guided to an abandoned house. The brush guide gave them specific instructions to stay at the abandoned residence overnight and that they would be picked up the following day. Chavez stated that a black sports utility vehicle (SUV) arrived near the residence the next day, at which time someone whistled to get their attention and four of them quickly ran toward the vehicle and jumped inside.

Chavez stated that once inside the vehicle, the driver, whom he identified as being approximately 45 years of age, bald, and having a dark complexion gave them instructions to lay down and conceal themselves. Chavez stated that the passenger was wearing plaid style shorts and a t-shirt. As they were being stopped, Chavez stated that the driver instructed them to sit up correctly and told them to keep the same story that he had picked them up since they had asked for a ride.